

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-18 remain pending. Claims 1, 2, 3, 7, and 13 are independent.

§ 103 REJECTION – IKEDA

Claim 1, 7-8 and 10 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ikeda et al. (U.S. Patent 6,204,881). *See Office Action, item 4.* Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part “executing a function for automatically changing a dynamic range only a portion of the reproduced image that has been selected by an action of a viewer viewing the reproduced image.” Ikeda cannot be relied upon to teach or suggest at least this feature.

Ikeda at best suggests improving the dynamic range of an image by taking several images each with a different exposure amount. The images with different exposure amounts are then combined in to a single image with a wider dynamic range with a processor that calculates average luminance values for each of the images and then combines the level adjusted image data into a single image with a wider dynamic range. At best, Ikeda merely permits the user to determine if image sensing should be “normal” image sensing or “improved dynamic range” image sensing that transforms the aforementioned images into a new image with a wider dynamic range. It’s an all or nothing proposition. In other words, Ikeda does not teach or suggest selecting a portion of an image for automatically changing the dynamic range.

The Examiner admits as much in the Office Action. The Examiner states “however, he [Ikeda] fails to disclose the at least part of the image as claimed.” However, the Examiner went on to allege that one of ordinary skill can consider the entirety of the image as being a part of the image.

Claim 1, as amended, recites a feature of executing a function for automatically changing a dynamic range of only a portion of the reproduced image that has been selected. As the Examiner admits, Ikeda cannot be relied upon to teach or suggest this feature. Therefore, independent claim 1 is distinguishable over Ikeda. Independent claim 7 recites, in part “executing a function for automatically changing a dynamic range of only a portion of the

reproduced image that has been selected.” It has been amply demonstrated above that Ikeda cannot be relied upon to teach or suggest at least this feature. Therefore, independent claim 7 is distinguishable over Ikeda.

Claims 8 and 10 depend from independent claim 7. Therefore, for at least the reasons stated with respect to independent claim 7, claims 8 and 10 are also distinguishable over Ikeda.

Applicants respectfully request that the rejection of claims 1, 7-8 and 10 based on Ikeda be withdrawn.

§ 103 REJECTION – IKEDA, MOLLOY

Claims 9 and 11-12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ikeda in view of Molloy (U.S. Patent 6,078,349). See *Office Action, item 5*. Applicants respectfully traverse.

It is noted that claims 9 and 11-12 depend from independent claim 7 directly or indirectly. It has been amply demonstrated above that claim 7 is distinguishable over Ikeda. Molloy has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Ikeda. Therefore, independent claim 7 is distinguishable over the combination of Ikeda and Molloy. At least due to the dependency thereon, claims 9 and 11-12 are also distinguishable over the combination of Ikeda and Molloy.

Applicants respectfully request that the rejection of claims 9 and 11-12 based on Ikeda and Molloy be withdrawn.

§ 103 REJECTION – UEDA

Claims 2, 3-4, 6, 13, 14 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ueda et al. (U.S. Patent 5,953,459). *See Office Action, item 6.* Applicants respectfully traverse.

Independent claim 2 recites, in part “executing a function for automatically changing a tone conversion characteristic of only a portion of the reproduced image.” Much like the situation with Ikeda as discussed above, Ueda also cannot be relied upon to teach or suggest selecting only a portion of an image.

The Examiner admits as much. In the Office Action, the Examiner states “however he [Ueda] fails to disclose the at least a part of the image, as claimed.” However, the Examiner alleges that one of ordinary skill can consider the entirety of the image as part of the image.

Amended claim 2 recites the feature of executing the function for automatically changing a tone conversion characteristic of only portion of the reproduced image. As admitted by the Examiner, Ueda cannot be relied upon

to teach or suggest at least this feature. Therefore, independent claim 2 is distinguishable over Ueda.

Claim 3 recites in part “a tone conversion characteristic varying device which automatically changes a tone conversion characteristic of only a portion of the image.” It has been amply demonstrated above that Ueda cannot be relied to teach or suggest at least this feature. Therefore, independent claim 3 is distinguishable over Ueda.

Claims 4 and 6 depend from independent claim 3. Therefore, for at least the reasons stated with respect to claim 3, claims 4 and 6 are also distinguishable over Ueda.

Claim 13 recites in part “executing a function for automatically changing a tone conversion characteristic of only a portion of the reproduced image.” Again, it has been amply demonstrated above that Ueda cannot be relied upon to teach or suggest at least this feature. Therefore, independent claim 13 is distinguishable over Ueda.

Claims 14 and 16 depend from independent claim 13 directly or indirectly. Therefore, for at least the reasons stated with respect to claim 13, claims 14 and 16 are also distinguishable over Ueda.

Applicants respectfully request that the rejection of claims 2, 3-4, 6, 13, 14 and 16 based on Ueda be withdrawn.

§ 103 REJECTION – UEDA, MOLLOY

Claims 5, 15, and 17-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ueda in view of Molloy. *See Office Action, item 7.* Applicants respectfully traverse.

It is noted that claims 5, 15, and 17-18 depend from independent claims 3 or 13 directly or indirectly. It has been amply demonstrated that independent claims 3 and 13 are distinguishable over Ueda. Molloy has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Ueda. Therefore, independent claims 3 and 13 are distinguishable over the combination of Ueda and Molloy.

For at least due to the dependency thereon, claims 5, 15, and 17-18 are also distinguishable over the combination of Ueda and Molloy.

Applicants respectfully request that the rejection of claims 5, 15 and 17-18 based on Ueda and Molloy be withdrawn.

CONCLUSION

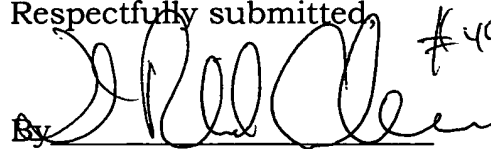
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments

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